



ACT/019/011

DEPARTMENT OF THE ARMY
SACRAMENTO DISTRICT, CORPS OF ENGINEERS
650 CAPITOL MALL
SACRAMENTO, CALIFORNIA 95814

file Diatex

UT810601-020

REPLY TO
ATTENTION OF SPKCO-0 (E81-120)

27 May 1981

Utah State Clearinghouse
Room 124
State Capitol Building
Salt Lake City, Utah 84114

done 6/22/81
je,
Could you please write up
a memo to Carol Jones, State
Planning Coordinator's Office, which
explains Diatex's violation of State
law and their actions towards
remedying the situation. Comments
are due to Carol by 6/12/81.

Gentlemen:

On 21 April 1981, Corps of Engineers personnel inspected a violation of the Clean Water Act (33 USC 1344). The unauthorized activity is located on the Colorado River near Moab, Grand County, Utah. A location map, fact sheet and photographs showing the location and extent of work are inclosed.

At this location, Diatex, Inc., 317 37th Avenue Northeast, Calgary, Alberta, Canada T2E6P6, has placed dredged material along the bank and into the Colorado River. Mr. Leo LeMay, Vice President of Operations of Diatex, Inc., has been issued a cease and desist order from placing any additional fill material in a "water of the United States" and advised that this office would conduct an investigation of this unauthorized activity.

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To assist us in evaluating the beneficial and detrimental effects on this work, we are soliciting your views concerning its impact, or violation of other Federal, State, or local regulations which may have occurred as a result of the work. Possible actions under consideration are immediate remedial action and/or to accept and process an application for a Department of the Army permit. A determination to accept and process an application for a Department of the Army permit would not imply that a permit will be issued. Issuance or denial of a permit would depend upon information received in response to the Public Notice issued by this office during the processing of an application.

We would appreciate receiving your comments on this matter by 21 June 1981. In your response please reference File Number E81-120. If you require any additional information, please contact our Regulatory Section in Grand Junction, Colorado, telephone number (303) 243-1199.

Sincerely,

Michael L. Helm

D. A. DENNIS
Chief, Construction-Operations
Division

3 Incls (quit)
As stated

1. PROPERTY DESCRIPTION: The property is located on the Colorado River above the Dewey Bridge in Grand County, Utah, and within Section 18, Township 23 South, Range 24 West.
2. DESCRIPTION OF WORK: Diatex, Inc. has placed fill material in the Colorado River. Dredged material from a placier mining operation has been pushed over the bank and into the river.
3. HISTORY: On 21 April 1981, Corps of Engineers personnel inspected the placier mining operation along with personnel from the Environmental Protection Agency and the Bureau of Land Management. It was observed that dredged material had been pushed over the bank into the Colorado River. By letter dated 15 May 1981, Mr. Leo LeMay, Operation Vice-President for Diatex, Inc., was issued a cease and desist from any further placement of dredged or fill material into the waterway.

